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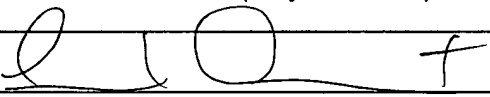
Application Number	09/885,002
Filing Date	June 21, 2001
First Named Inventor	David Adams
Art Unit	2642
Examiner Name	Marie C. Ubiles
Attorney Docket No.	191115.407C2

ENCLOSURES *(check all that apply)*

☐ Fee Transmittal Form
    ☐ Fee Attached
☒ Amendment/Response
    ☐ After Final
    ☐ Affidavits/declaration(s)
☐ Extension of Time Request
☐ Express Abandonment Request
☐ Information Disclosure Statement; Form PTO-1449
☐ Cited References
☐ Certified Copy of Priority Document(s)
☐ Response to Missing Parts under 37 C.F.R. 1.52 or 1.53
☐ Response to Missing Parts/Incomplete Application

☐ Drawing(s)
☐ Request for Corrected Filing Receipt
☐ Licensing-related Papers
☐ Petition
☐ Petition to Convert to a Provisional Application
☐ Power of Attorney, Revocation, Change of Correspondence Address
☐ Declaration
☐ Statement under 37 CFR 3.73(b)
☐ Terminal Disclaimer
☐ Request for Refund
☐ CD, Number of CD(s) _____
    ☐ Landscape Table on CD

☐ After Allowance Communication to TC
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☐ Proprietary Information
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☒ Other Enclosure(s) *(please identify below)*:
Application Data Sheet
_____
_____
_____

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Seed Intellectual Property Law Group PLLC	Customer Number 00500
Signature		
Printed Name	Frank Abramonte	
Date	January 19, 2005	Reg. No. 38,066

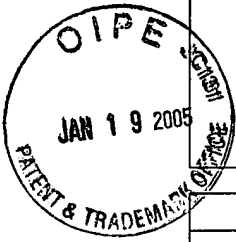## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	
Typed or printed name	Date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	David Adams et al.
Application No.	:	09/885,002
Filed	:	June 21, 2001
For	:	TEST SYSTEM FOR REMOTELY TESTING SWITCHES WITHIN A TELECOMUNICATIONS NETWORK

Examiner	:	Marie C. Ubiles
Art Unit	:	2642
Docket No.	:	191115.407C2
Date	:	January 19, 2005

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Commissioner for Patents:

This is a Response to the Office Action mailed December 16, 2004, in which a three (3) month Shortened Statutory Period for Response has been set, due to expire March 16, 2005. Fifteen (15) claims, including four (4) independent claims, were paid for in the application. The Director is authorized to charge any fees due by way of this Amendment to our Deposit Account No. 19-1090. Claims 1-15 are pending.

Objection to the Oath/Declaration

The oath or declaration was objected to because it does not identify the city and either state or foreign country of residence of each inventor. Applicants respectfully note that the complete residence address of each inventor, including the required city and state of residence, does appear on the executed declaration submitted on August 29, 2001.

However, as the Examiner has indicated, residence information may be provided on either an application data sheet or supplemental oath or declaration. Accordingly, Applicants submit herewith an Application Data Sheet identifying the complete residence address of each inventor, and respectfully request that the Examiner withdraw the objection to the Declaration.

Obviousness-Type Double Patenting Rejections

Claims 8-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 20 of U.S. patent 6,230,006 to Keenan et al.

Claims 1-5 and 11-15 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 14 and 20 of U.S. patent 6,230,006 in view of U.S. patent 6,201,802 to Dean.

Claims 6 and 7 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 20 of U.S. patent 6,230,006 in view of U.S. patent 6,201,802 and further in view of U.S. patent 6,169,883 to Vimpari et al.

U.S. patent 6,201,802 issued to Dean (hereinafter Dean) is directed to a method and apparatus for analyzing base station timing. Dean focuses on detecting timing errors or "drift" in generation of signals, for example a pilot signal, by a base station with respect to other bases stations, since such errors may degrade overall system performance. Dean, col. 1, lines 5-9; col. 2, lines 28-33; col. 4, line 6-col. 5, line 29; Abstract. Remote units such as cellular phones use the different code phases of pilot signals to differentiate between different base stations. Dean, col. 6, lines 1-12. Timing errors or drift can arise from a variety of factors including the ambient environment of the base station, malfunction of the GPS receiver, loss of the phase locked loop, and/or processor failure modes. Dean, col. 4, lines 4-20.

In particular, Dean teaches a base station timing analyzer that measures the timing performance of a *base station* from within the base station coverage area without interruption or degradation of the system performance. Dean, Abstract. While a separate unit from the base station, the antenna of the base station timing analyzer is placed as close as possible to the antenna of the base station. Dean, col. 6, lines 33-36.

In one embodiment illustrated in Figure 5, the timing analyzer produces a dummy signal output based on a universal time input. Dean, Figure 5. The universal time input may be received at a GPS receiver of the base station timing analyzer from a GPS satellite. Dean, col. 7, lines 22-33. A demodulation element of the base station timing analyzer demodulates the pilot signal from the base station as well as the dummy pilot signal. Dean, Figure 5. A comparison unit of the base station timing analyzer compares the demodulated pilot signal and dummy pilot

signal in order to determine the timing performance of the base station relative to the absolute time. Id.

In another embodiment illustrated in Figure 6, the base station timing analyzer substitutes a pilot signal from another base station for the dummy pilot signal. Dean, col. 8, lines 24-34. The base station timing analyzer sums a signal from each of the operating base stations. Dean, col. 8, lines 24-34. A demodulation element of the base station timing analyzer receives the summed signal, searches for, and demodulates each of the component signals. A comparison unit of the base station timing analyzer compares the output of the demodulation element to determine the timing performance of the base station to provide an indication of the absolute time offset of the base station signal.

In all embodiments, the base station timing analyzer results are displayed and/or logged for later analysis. There is no suggestion that the results be used to update operation of the base station or operation of a remote device such as a cellular phone. In fact, Dean suggests that it will typically require many hours to detect drift of the base station, rendering the base station timing analyzer unsuitable for timing re-synchronization of base stations or remote devices.

In contrast to the Examiner's contention, the base station timing analyzer does *not* re-synchronize or otherwise maintain synchronization of the base station or any other device such as a remote call processor. In fact, synchronization is performed *within the base station itself* via the base station timing adjust unit based on GPS signals. Dean, col. 3, lines 9-44. The base station timing analyzer simply detects divergence from synchronization, *displaying* such divergence, and *logging* the same for later analysis. Dean, col. 7, lines 32-39; col. 8, lines 36-47; col. 9, line 65-col. 10, line 9. There is no feedback from the base station timing analyzer to the base station, hence the ability to measure the timing performance of a base station "without interruption or degradation of the system performance." Dean, Abstract. Thus, Dean teaches a base station that re-synchronizes itself, and a separate base station timing analyzer proximately located to the base station to analyze *but not* correct timing errors.

U.S. patent 6,169,883 issued to Vimpari et al. (hereinafter Vimpari) is generally directed to remote testing of subscriber connections in a wireless subscriber system.

In particular, Vimpari teaches sending a message via a radio path to start various test functions for testing a wireless terminal, subscriber terminal equipment and the connection

therebetween. Vimpari, Abstract. The Examiner contends that Vimpari teaches the use of short message service (SMS) or a protocol built on SMS for sending the message starting measurement functions in a cellular system, relying on col. 11, lines 13-17. However, the reference in claims 6-7 to SMS is not directed to the testing trigger, but rather is directed to the type of service being tested (e.g., "testing by said controller of said destination telecommunications device receiving said test SMS data so as to verify proper operation of the SMS signal transmission in said telecommunications device").

For the above reasons, Applicants respectfully contend that claims 1-5, 6-7 and 11-15 are patentably distinct over the claims of U.S. 6,230,006, and consequently requests the Examiner to withdraw the obviousness-type double patenting rejection of claims 1-5, 6-7 and 11-15. Applicants do not traverse the obviousness-type double patenting rejection of claims 8-10.

Favorable consideration and indication of the allowability of claims 1-5, 6-7 and 11-15 are earnestly solicited.

Respectfully submitted,

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FXA:lrw

Enclosures:
    Postcard
    Application Data Sheet

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